individuality they can hold in no other way. *Stuckey* v. *Keefe's Ex'r*, 26 Pa. St. 397. Though statutes emancipating the wife made tenancy by entireties no longer the only possible tenancy on a grant to husband and wife, some courts still continue to construe such grants as formerly. *Fisher* v. *Provin*, 25 Mich. 347. Others, however, have abandoned that construction. *Cooper* v. *Cooper*, 76 Ill. 57. The rule, therefore, where established in the case of realty seems merely a survival, furnishing no vigorous analogy to govern personalty. Furthermore, equity never favored survivorships. *Petty* v. *Styward*, 1 Ch. Rep. 57. And since the married women's acts are founded on equity rules, it would seem that there should not be an exceptional rule as to survivorship between husband and wife in the case of personalty. There is a conflict, but the result of the principal case is justified. *In re Albrecht*, 136 N. Y. 91; *Wait* v. *Bovee*, 35 Mich. 425; *contra*, *Johnson* v. *Lusk*, 6 Cold. (Tenn.) 113. The cases opposed are founded on a presumed analogy to the case of realty.

ILLEGAL CONTRACTS — CONTRACTS AGAINST PUBLIC POLICY — PROMISE TO MARRY AFTER DEATH OF EXISTING WIFE. — The defendant promised to marry the plaintiff after the death of his wife, the plaintiff being aware that the defendant then had a wife. *Held*, that the contract is void as against public policy. *Wilson* v. *Carnley*, 24 T. L. R. 277 (Eng, Ct. App., Jan. 31, 1908).

This decision reverses the decision of the lower court, criticized in 21 HARV. L. REV. 58.

INTERNATIONAL LAW — NATURE AND EXTENT OF SOVEREIGNTY — EXTRATERRITORIAL JURISDICTION. — In an appeal from a judgment of the United States Court for China, the defendant maintained that the court was without jurisdiction because the offense charged was not a crime under the Act of June 30, 1906, establishing the court. *Held*, that, as the offense is a crime at common law within the meaning of the act, the court has jurisdiction. *Biddle* v. *United States*, 156 Fed. 759 (C. C. A., Ninth Circ.). See NOTES, p. 437.

INTERSTATE COMMERCE — CONTROL BY CONGRESS — REGULATION OF INDEPENDENT INTRASTATE CARRIER. — The Safety Appliance Act provides that carriers shall equip their cars used in moving interstate commerce with automatic couplers. The defendant company operated a narrow gauge road entirely within the state, independent of through traffic and joint rate arrangements with contiguous carriers. For every shipment, separate bills of lading were issued on local rates. A certain shipment from without the state was carried on a car unequipped with automatic couplers. *Held*, that the defendant company is engaged in interstate commerce and subject to the Safety Appliance Act. *United States* v. *Colorado & N. W. R. Co.*, 157 Fed. 321 (C. C. A., Eighth Circ.).

The case holds that the carriage of a package from a place of shipment without the state to its final destination cannot be divided into an interstate and intrastate journey by the efforts of an independent intrastate carrier seeking to maintain a position as such. It follows, therefore, that the final destination designated by the consignor gives the shipment a continuous interstate character. See 20 HARV. L. REV. 652. An opposite result would greatly narrow the scope of federal regulation of interstate commerce. For example, under the Wilson Act liquors carried into a state become subject to the police power thereof upon arrival. But the courts have held that arrival means the final destination reached, thus guarding the inviolability of interstate commerce, as such, to this point. *American Ex. Co.* v. *Iowa*, 196 U. S. 133. If the intrastate carrier could determine at what point these imports became part of the general state property and hence amenable to state control for confiscation or taxation, these decisions would seem ineffective. A contrary result has been reached by construing the Safety Appliance Act as applicable only to carriers within the provisions of the Interstate Commerce Act. *United States* v. *Geddes*, 131 Fed. 452. But on the unequivocal language of this statute, its application is rightly extended to all carriers handling interstate shipments.

INTERSTATE COMMERCE — INTERSTATE COMMERCE COMMISSION — COMMISSION'S POWER TO INTERROGATE. — In the course of an investigation the Interstate Commerce Commission interrogated the defendant with the object of ascertaining whether the directors of a railroad engaged in interstate business had expended its funds while the defendant was an officer of the railroad in buying stocks at inflated prices, or stocks that should not have been purchased. On refusal to answer, suit was instituted to compel him to do so. *Held*, that he be directed to answer. *Interstate Commerce Commission* v. *Harriman*, 157 Fed. 432 (Circ. Ct., S. D. N. Y.). See NOTES, p. 431.

LIBEL AND SLANDER — ACTS AND WORDS ACTIONABLE — DEFAMATION OF PLAINTIFF'S SISTER. — Under the title "Divided House of the M's" the defendant published that the plaintiff's sister had been arrested for larceny. *Held*, that it was error to sustain a demurrer to the plaintiff's suit for libel. *Merrill* v. *Post Publishing Co.*, 83 N. E. 419 (Mass.).

Ordinarily an action for defamation is confined to the person directly assailed. Libel of a partner in his private life is not libel of the partnership. *Haythorn* v. *Lawson*, 3 C. & P. 196. And no action is allowed for the slander of a deceased relative. *Wellman* v. *Sun Printing, etc., Ass'n*, 66 Hun (N. Y.) 331. It is true that suit for libel of a wife may be brought in the husband's name, but the action lapses on her death. See ODGERS, LIBEL AND SLANDER, 4 ed., 530. Moreover, defamation of a sister uttered in an action by the defendant against her brother has been held to give the brother no action for slander. *Subbaiyer* v. *Kristnaiyar*, I. L. R. 1 Mad. 383. This case, however, was distinguished from the present case on the ground that the plaintiff's name was not there mentioned. A similar distinction has been made where a corporation sues for libel because of the defamation of its manager. *N. Y. Bureau of Information* v. *Ridgway-Thayer Co*, 104 N. Y. Supp. 202. The distinction seems unsupportable since in each case the plaintiff's standing in the community is damaged. Hence to allow him to recover in an action of libel is extending the previous limits of the action and enlarging the absolute liability where no special damages need be proved. An action should lie, however, for actual damages proximately caused by the defendant's tort. See *Riding* v. *Smith*, 1 Ex. D. 91.

LIBEL AND SLANDER — ACTS AND WORDS ACTIONABLE — WORDS CHARGING INSTITUTION OF DIVORCE PROCEEDINGS. — The defendant falsely published that the plaintiff's husband had instituted a suit for divorce against the plaintiff in the New Jersey courts. A divorce may be granted in New Jersey for incompatibility of temperaments. *Held*, that the publication is libellous *per se*. *O'Neill* v. *Star Co.*, 121 N. Y. App. Div. 849.

In a similar case a co-respondent was named, and the imputation was therefore clearly defamatory. *Regina* v. *Leng*, 34 J. P. 309. But the present finding seems entirely reasonable notwithstanding the possible meaning of the publication under the New Jersey divorce law, and assuming that such meaning is not actionable. That the statement is merely capable of a special innocent meaning is not conclusive; words are no longer, as formerly, construed *in mitiori sensu*, but in the plain sense in which the rest of the world naturally understands them. See *Roberts* v. *Camden*, 9 East 93, 96. Nor should a presumption of knowledge of a technical sense of the words be raised to rebut their otherwise libellous character in the minds of right-thinking people. The presumption — or fiction — that every one knows the law cannot be pushed to such an extent. The same principle seems to be involved in those cases where it is actionable to charge acts commonly understood to be criminal, though they do not legally constitute a crime; for example, words imputing larceny of common property by a co-tenant are actionable *per se*. *Williams* v. *Miner*, 18 Conn. 464.

MANDAMUS — ACTS SUBJECT TO MANDAMUS — PERFORMANCE OF DUTIES IMPOSED BY STATUTE AUTHORIZING USE OF STREETS. — A city petitioned for *mandamus* to compel a telephone company to file a statement of its receipts and to pay a tax thereon, in accordance with a municipal ordinance granting